IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE THIRTYIETH DAY OF SEPTEMBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

* * *

WP.No.21372 OF 2005

Between:

Konduru Venkata Subba Reddy …. Petitioner

Versus

The District Collector,

Nellore,

Nellore District. … Respondent

Counsel for the Petitioner: Mr.A.CHANDRAIAH NAIDU

Counsel for the Respondent: GP for Co-operation

O R D E R :

This writ petition is filed seeking mandamus to declare the Proceedings in RC.No.4609/2005, dated 13-9-2005 and RC.No.859/2005/C issued by the first and third respondents respectively as illegal, arbitrary, contrary to Section 19 (2B) of the A.P. Co-operative Societies Act and set aside the same and consequentially direct the third respondent to conduct an enquiry in respect of illegal admission of the members of Mudivarthi Primary Agricultural Co-operative Society from Sl.No.3940 and remove all the members who are admitted after 05-9-2005 in the interest of justice.

Heard the learned counsel for the petitioner and the learned Govt.Pleader for Co-operation.

Aggrieved by the orders of the Divisional Co-operative Officer, the petitioner filed an appeal before the District Collector and the same was dismissed on the ground that under Section 76 of the A.P. Co-operative Societies Act 1964 any person or society, who is aggrieved by the action under Section 19 of the Act may appeal to the Andhra Pradesh Co-operative Tribunal.

The learned Govt.Pleader for Co-operation submitted that though the petitioner ignorantly filed an appeal before the District Collector and he himself invited to pass the impugned proceedings, therefore, the order of the District Collector does not suffer from any infirmity.

Further the Divisional Co-operative Officer kept in abeyance all the memberships of the Primary Agricultural Co-operative Society from serial No.3940 and that memo was withdrawn by the Divisional Co-operative Officer, Kavali, by proceedings dated 16-9-2005.

Now the grievance of the petitioner is that admission of the members can be made by General Body as per law. Therefore, both the orders should not be interfered with by this court. There is no provision of law brought to the notice of this court to the effect that the Divisional Co-operative Officer has power to keep the members under abeyance, at best he can pass proceedings under Section 19 (2B) of the AP Co-operative Societies Act and that procedure has not been followed. The writ petition is, therefore, devoid of merits and the same is accordingly dismissed at the admission stage. No costs.

SEPTEMBER 30th, 2005. ----------

I s L. **K. C.. B H A N U , J**.